REMARKS

The Office Action dated June 4, 2009, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

By this Response, claims 1-5, 8-11, 15-20, and 22 have been amended to more particularly point out and distinctly claim the subject matter of the present invention. No new matter has been added. Support for the amendments to claims 15-19, specifically, the term "controller," may be found in the specification, for example, at page 6. Claims 6-7 and 12 have been cancelled without prejudice or disclaimer. Accordingly, claims 1-5, 8-11, and 15-24 are pending in the application, of which claims 1, 15, and 20 are independent. Applicants respectfully submit claims 1-5, 8-11, and 15-24 for consideration.

In view of the above amendments and the following remarks, Applicants respectfully request reconsideration and timely withdrawal of the pending rejections to the claims for the reasons discussed below.

Claim Rejection - 35 U.S.C. 101

Claims 15-19 were rejected under 35 U.S.C. 101 because they are allegedly directed to non-statutory subject matter, specifically, software per se, since the claims are missing a hardware element in the body of the claims. Applicants have amended claims 15-19 to include the structural element "controller." Support for these amendments may

be found in the specification, for example, at page 6. Accordingly, Applicants respectfully submit that this rejection is most in view of the claim amendments, and respectfully requests that this rejection be withdrawn.

Reconsideration and allowance of claims 15-19 are, thus, respectfully requested.

Claim Rejections - 35 U.S.C. 103

Claims 1-7, 9, 12, 15, and 20 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Elliot (U.S. Patent No. 5,276,813) in view of Lyle (U.S. Patent No. 6,886,102), Nikander (British Patent No. 2,367,986), and Heer (U.S. Patent No. 6,028,933). The Office Action took the position that Elliot discloses or suggests all of the features of the claims, with the exception of changing link level addresses from time to time and encrypting link level addresses. The Office Action then cited Lyle, Nikander, and Heer as curing the deficiencies Elliot. Claims 6-7 and 12 have been cancelled without prejudice or disclaimer. Applicants respectfully submit that each of claims 1-5, 9, 15, and 20 recites subject matter that is neither disclose nor suggested in the combination of Elliot, Lyle, Nikander, and Heer.

Independent claim 1, upon which claims 2-5 and 8-11 depend, is directed to a system including a hub including a transceiver. The system also includes a plurality of communication nodes connected by a data link to the transceiver by a common bus or a wireless broadcast channel, the data link being a shared data link whereby any node connected to the data link has access to communications broadcast over the common bus

or wireless broadcast channel. A communication controller is configured to allocate linklevel addresses to the communication nodes. The communication nodes may be identified for communications over the common bus or wireless broadcast channel. The communication controller is further configured to change from time to time the link-level addresses allocated to all of the plurality of communication nodes connected to the common bus or wireless broadcast channel. The communication controller is also configured to transmit the newly allocated link-level addresses to respective communication nodes in an encrypted form over the common bus or wireless broadcast channel. The communication system includes a data distribution unit connected between the data link and at least one external data source, and the data distribution unit is configured to forward data from the data source to the communication nodes via the data link. The data distribution unit is further configured to forward the data to the plurality of communication nodes in a random or pseudo-random order over the common bus or wireless broadcast channel.

Independent claim 15, upon which claims 16-19 depend, is directed to an apparatus including a controller configured to allocate link-level addresses to a plurality of communication nodes connected by a data link to a transceiver of a hub by a common bus or a wireless broadcast channel. The communication nodes may be identified for communications over the data link, the data link being a shared data link whereby any node connected to the data link has access to communications broadcast over the common bus or wireless broadcast channel. The controller is also configured to change

from time to time the link-level addresses allocated to all of the plurality of communication nodes, connected to the common bus or wireless broadcast channel. The newly allocated link-level addresses are transmitted to respective communication nodes in an encrypted form. Data is forwarded to the plurality of communication nodes in a random or pseudo-random order over the common bus or wireless broadcast channel.

Independent claim 20, upon which claims 21-24 depend, is directed to a method including allocating link-level addresses to a plurality of communication nodes connected by a data link to a transceiver of a hub by a common bus or a wireless broadcast channel. The communication nodes may be identified for communications over the data link, the data link being a shared data link whereby any node connected to the data link has access to communications broadcast over the common bus or wireless broadcast channel. The method also includes changing from time to time the link-level addresses allocated to all of the plurality of communication nodes. The newly allocated link-level addresses are transmitted to a respective communication node in an encrypted form. Data is forwarded to the plurality of communication nodes in a random or pseudo-random order over the common bus or wireless broadcast channel.

Applicants respectfully submit that the combination of Elliot, Lyle, Nikander, and Heer fails to disclose or suggest all of the features of any of the presently pending claims.

Elliot describes in a computer I/O system including a plurality of link-level facilities and a dynamic switch having a plurality of ports, each link-level facility being attached to an individual one of the ports, a mechanism and method for assigning a

unique link level address to each of the link-level facilities. As each of the link-level facilities comes on line, it sends an acquire link address (ALA) frame and waits for a response (ACK) frame. The ALA frame may be addressed to a general to-whom-it-may-concern address and have a source address of who-am-I. Only a dynamic switch normally assigns link addresses. When receiving an ALA frame, the dynamic switch returns an ACK frame having a unique link address assigned to the sender of the ALA frame (see Elliot at Abstract).

Lyle describes a system and a method for determining whether a sender seeking to send a message to a receiving computer system via a network is an authorized sender. A request to communicate is received from the sender. A number N1 is selected. A hash value for the number N1 is calculated. The hash value is sent to the sender (*see* Lyle at Abstract).

Nikander describes a method of verifying that a host coupled to an IP network is authorized to use an IP address which the host claims to won, the IP address including a routing prefix and an interface identifier part. The method includes receiving from the host one or more components, applying a one-way coding function to the or each component and/or derivatives of the or each component, and comparing the result or a derivative of the result against the interface identifier part of the IP address. If the result or its derivative matches the interface identifier the host is assumed to be authorized to use the IP address (see Nikander at Abstract).

Heer describes the encryption of data transmitted over a broadband multiple access bi-directional hybrid fiber/coax (HFC) network. The method supports downstream broadcast encryption from headend to cable modem, and also provides for encryption of transmissions from cable modems back to the headend. The authentication and key generation process between headend and cable modem produces a mutually authenticated and mutually generated permanent key (see Heer at Abstract).

Applicants respectfully submit that the combination of Elliot, Lyle, Nikander, and Heer fails to disclose or suggest all of the features of any of the presently pending claims. Specifically, the combination of Elliot, Lyle, Nikander, and Heer does not disclose or suggest, at least, "wherein the communication controller is further configured to change from time to time the link-level addresses allocated to all of the plurality of communication nodes connected to the common bus or wireless broadcast channel," as recited in independent claim 1 and similarly recited in the other independent claims. The Office Action acknowledged that Elliot fails to disclose or suggest these features, and cited Lyle to remedy these deficiencies of Elliot. In particular, the Office Action alleged that these features are disclosed by Lyle at Figure 19, and column 30, lines 8-55. Lyle describes a handoff receiver module of a receiving system that monitors a handoff receiver address and port, and that initiates a port and/or address change (see Lyle at column 28, lines 46-50, and column 30, lines 8-11). As shown in Figure 19, step 1902, an indication that a change of port and/or address is needed is received, and the indication may be a system parameter in accordance with which a change is made to the handoff receiver address and/or port at prescribed intervals (*see* Lyle at column 30, lines 11-16). In step 1904, a new port and/or IP address is randomly designated by a pseudo random number generator scaled to provide a random number in the range of available port addresses (*see* Lyle at column 30, lines 30-34). In step 1906, the handoff receiver module is configured to receive messages sent to the new port and/or IP address designated (*see* Lyle at column 30, lines 42-45).

However, Lyle fails to disclose or suggest, at least, "wherein the communication controller is further configured to change from time to time the link-level addresses allocated to all of the plurality of communication nodes connected to the common bus or wireless broadcast channel," as recited in independent claim 1 and similarly recited in the other independent claims. Specifically, Lyle does not disclose or suggest that the handoff receiver module is configured to change from time to time IP addresses allocated to all of a plurality of communication nodes connected to a common bus or wireless broadcast channel. One of the communication nodes of the present invention cannot correspond to the handoff receiver module of Lyle since the handoff receiver module is not connected to a common bus or wireless broadcast channel with another handoff receiver module (see Lyle at Figure 15, items 1506, 1526, and 1546). In fact, Lyle makes no mention of either a common bus or a wireless broadcast channel. Even if one of the communication nodes of the present invention corresponds to the handoff receiver module of Lyle (which it does not), Lyle fails to disclose or suggest that the handoff receiver module changes addresses of all of a plurality of handoff receiver modules. In contrast, Lyle describes the

handoff receiver module changing the address of only itself, a single handoff receiver module (see Lyle at column 28, lines 46-50, and column 30, lines 8-11).

Nikander and Heer fail to cure the deficiencies of Lyle. Both Nikander and Heer mention IP packets (see Nikander at Abstract, and Heer at column 2, lines 1-2), but fail to disclose or suggest changing from time to time the IP addresses allocated to all of a plurality of communication nodes connected to a common bus or wireless broadcast channel. Accordingly, the combination of Elliot, Lyle, Nikander, and Heer does not disclose or suggest, at least, "wherein the communication controller is further configured to change from time to time the link-level addresses allocated to all of the plurality of communication nodes connected to the common bus or wireless broadcast channel," as recited in independent claim 1 and similarly recited in the other independent claims. Since the combination of Elliot, Lyle, Nikander, and Heer fails to disclose or suggest such features, the combination cannot achieve an advantage of the present invention, which is to inhibit access by a listener to ancillary data on usage of a network of multiple nodes, not just one node (see Specification at page 3, last paragraph, to page 4, second paragraph).

Furthermore, the combination of Elliot, Lyle, Nikander, and Heer fails to disclose or suggest, at least, "wherein the communication controller is further configured ... to transmit the newly allocated link-level addresses to respective communication nodes in an encrypted form over the common bus or wireless broadcast channel," as recited in independent claim 1 and similarly recited in the other independent claims. The Office

Action also acknowledged that Elliot fails to disclose or suggest these features, and cited Lyle to remedy these deficiencies of Elliot. Specifically, the Office Action alleged that these features are disclosed by Lyle at Figure 19, and column 30, lines 8-55.

However, Lyle fails to disclose or suggest, at least, "wherein the communication controller is further configured ... to transmit the newly allocated link-level addresses to respective communication nodes ... over the common bus or wireless broadcast channel," as recited in independent claim 1 and similarly recited in the other independent claims. As discussed above, Lyle does not disclose or suggest multiple IP addresses allocated to multiple communication nodes, but one IP address changed for one handoff receiver module (see Lyle at column 28, lines 46-50, and column 30, lines 8-11). In addition, Lyle fails to disclose or suggest the handoff receiver module transmitting the changed address to multiple communication nodes over a common bus or a wireless broadcast channel. Instead, as shown in Figure 19, step 1908, Lyle describes a registration server of the receiving system sending a status message to a single registration client at a sending system informing the sending system of the new address (see Lyle at column 30, lines 46-49). As mentioned above, Lyle makes no mention of a common bus or a wireless broadcast channel.

Nikander and Heer fail to cure the deficiencies of Lyle. Both Nikander and Heer mention IP packets (*see* Nikander at Abstract, and Heer at column 2, lines 1-2), but fail to disclose or suggest transmitting allocated IP addresses to respective communication nodes over a common bus or a wireless broadcast channel. Accordingly, the combination

of Elliot, Lyle, Nikander, and Heer does not disclose or suggest, at least, "wherein the communication controller is further configured ... to transmit the newly allocated link-level addresses to respective communication nodes ... over the common bus or wireless broadcast channel," as recited in independent claim 1 and similarly recited in the other independent claims.

Furthermore, the combination of Elliot, Lyle, Nikander, and Heer fails to disclose or suggest, at least, "wherein the data distribution unit is further configured to forward the data to the plurality of communication nodes in a random or pseudo-random order over the common bus or wireless broadcast channel," as recited in independent claim 1 and similarly recited in the other independent claims. The Office Action asserted that Lyle teaches these features at Figure 19, and column 30, lines 8-55. Specifically, the Office Action alleged that the random generation and the sending of the new IP address for the handoff receiver module in Lyle corresponds to the forwarding the data in a random order of the present invention (see Office Action at page 14, second paragraph).

However, Lyle fails to disclose or suggest, at least, "wherein the data distribution unit is further configured to forward the data to the plurality of communication nodes in a random or pseudo-random order over the common bus or wireless broadcast channel," as recited in independent claim 1 and similarly recited in the other independent claims. Contrary to the assertions of the Office Action, the random generation and the sending of the new IP address in Lyle cannot correspond to the forwarding the data in a random order of the present invention since in Lyle, only the generation of the new IP address is

random (*see* Lyle at column 30, lines 30-34). Lyle does not disclose or suggest that the sending of the new IP address, from the registration server to the registration client, is in a random order. In contrast, Lyle describes the sending to be merely after the handoff receiver module configures itself to receive messages sent to the new IP address (*see* Lyle at column 30, lines 42-49). Lyle fails to disclose or suggest forwarding data in a random order, as claimed, because Lyle does not disclose or suggest forwarding data to a plurality of communication nodes, but to only the single registration client (*see* Lyle at column 30, lines 46-49). Thus, the order of the sending in Lyle is not applicable.

Elliot, Nikander, and Heer fail to cure the deficiencies of Lyle. Specifically, Elliot, Nikander, and Heer fail to disclose or suggest forwarding data to a plurality of communication nodes in a random or pseudo-random number over a common bus or a wireless broadcast channel. Accordingly, the combination of Elliot, Lyle, Nikander, and Heer does not disclose or suggest, at least, "wherein the data distribution unit is further configured to forward the data to the plurality of communication nodes in a random or pseudo-random order over the common bus or wireless broadcast channel," as recited in independent claim 1 and similarly recited in the other independent claims. Since the combination of Elliot, Lyle, Nikander, and Heer fails to disclose or suggest such features, the combination cannot achieve an advantage of the present invention, which is to further inhibit access by a listener to ancillary data on usage of a network (see Specification at page 3, last paragraph, to page 4, first paragraph).

Furthermore, Applicants respectfully submit that the Office Action has failed to provide a *prima facie* case for obviousness since the Office Action's analysis relies on impermissible hindsight bias. The Federal Circuit has stated that it is impermissible to use the claimed invention as an instruction manual or template to piece together the teachings of the prior art so that the claimed invention is rendered obvious. The Federal Circuit further stated that one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention (*see In re Fritch*, 972 F.2d 1260, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992); *see also In re Fine*, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988)).

Applicants respectfully assert that the Office Action is clearly relying on knowledge gleaned only from the disclosure of the present invention to provide support for the rejection. The Office Action has provided no evidence that a person of ordinary skill in the art, at the time the present invention was made, would have had the knowledge or motivation necessary to yield the claimed invention or even combine the cited references. It is well established in U.S. patent law that a piecemeal analysis of a number of references, to extract a number of individual elements which are picked and chosen to recreate the claimed invention, is improper absent some teaching or suggestion in the references to support their use in the particular claimed combination. It is improper to look to the Applicant's own disclosure for any such motivation or incentive (Interconnect Planning Corporation v. Feil, 227 USPQ 543 (Fed. Cir. 1985)). Thus,

Applicants respectfully submit that the Office Action has failed to provide a *prima facie* case for obviousness, and request that this rejection be withdrawn.

For at least the reasons discussed above, Applicants respectfully submit that the combination of Elliot, Lyle, Nikander, and Heer fails to disclose or suggest all of the features of claims 1, 15, and 20. Accordingly, Applicants respectfully request that the rejection of claims 1, 15, and 20 be withdrawn.

Claims 2-5 and 9 depend from, and further limit, independent claim 1. Thus, each of claims 2-5 and 9 recites subject matter that is neither disclosed nor suggested in the combination of Elliot, Lyle, Nikander, and Heer. Accordingly, Applicants respectfully request that the rejection of claims 2-5 and 9 be withdrawn.

Claim 8 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Elliott in view of Lyle, Nikander, and Heer, and further in view of Laxman (U.S. Patent Appln. Pub. No. 2003/0018804). The Office Action took the position that the combination of Elliot, Lyle, Nikander, and Heer discloses or suggests all of the features of the claims, with the exception of the data distribution unit when it would otherwise not be transmitting data to the communication nodes. The Office Action then cited Laxman as curing the deficiencies the combination of Elliot, Lyle, Nikander, and Heer. Applicants respectfully submit that claim 8 recites subject matter that is neither disclose nor suggested in the combination of Elliot, Lyle, Nikander, Heer, and Laxman.

Laxman describes a media access control (MAC) address associated with a particular hardware location (e.g. slot) in the network rather than to the card itself. Thus,

the card's MAC address assigned by the manufacturer is effectively ignored. When a card is first plugged into a slot, it is initialized with the MAC address of the slot. Thus, if a destination address in a received data frame matches the MAC address of the slot, the card will recognize the data frame. Likewise, when a card transmits a data frame, the source address in the frame is changed to match the slot MAC address prior to being sent over the network (see Laxman at Abstract).

Applicants respectfully submit that claim 8 recites subject matter that is neither disclosed nor suggested in the combination of Elliot, Lyle, Nikander, Heer, and Laxman. Claim 8 depends from, and further limits, independent claim 1. As discussed above, the combination of Elliot, Lyle, Nikander, and Heer fails to disclose or suggest all of the features of independent claim 1. In addition, Laxman does not cure the deficiencies of the combination of Elliot, Lyle, Nikander, and Heer, as Laxman fails to disclose or suggest, at least, "wherein the communication controller is further configured to change from time to time the link-level addresses allocated to all of the plurality of communication nodes connected to the common bus or wireless broadcast channel," as recited in independent claim 1 and similarly recited in the other independent claims. Accordingly, Applicants respectfully submit that the combination of Elliot, Lyle, Nikander, Heer, and Laxman does not disclose or suggest all of the features of claim 8.

In addition, Applicants again note that this rejection is based upon an improper combination of references. As described above, a mosaic of numerous references, such the present combination of Elliot, Lyle, Nikander, Heer, and Laxman, strongly suggest that the claim is not obvious, particularly in the present rejection where the limitations of claim 8 are rejected in a piecemeal fashion in which each of the recited limitations is rejected in view of a different reference. This type of rejection strongly suggests the improper use of the pending claims and the present application as a template for forming the alleged combination. It is thus respectfully submitted that this rejection is improper, and requested that this rejection be withdrawn.

Claims 10-11, 16, 19, 21, and 24 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Elliott in view of Lyle, Nikander, and Heer, and further in view of Woundy (U.S. Patent No. 6,009,103). The Office Action took the position that the combination of Elliot, Lyle, Nikander, and Heer discloses or suggests all of the features of the claims, with the exception of the Ethernet-related features. The Office Action then cited Woundy as curing the deficiencies the combination of Elliot, Lyle, Nikander, and Heer. Applicants respectfully submit that claims 10-11, 16, 19, 21, and 24 recites subject matter that is neither disclose nor suggested in the combination of Elliot, Lyle, Nikander, Heer, and Woundy.

Woundy describes in a broadband cable data network, a method and a system for automatically allocating network resources such as IP addresses to control access to the network utilizes at least one server. Woundy also refers to a common network database formed from a directory for storing respective user configuration parameters, hardware address registration, and current binding information (see Woundy at Abstract).

Applicants respectfully submit that each of claims 10-11, 16, 19, 21, and 24 recites subject matter that is neither disclosed nor suggested in the combination of Elliot, Lyle, Nikander, Heer, and Woundy. Claims 10-11, 16, 19, 21, and 24 depend from, and further limit, independent claims 1, 15, and 20. As discussed above, the combination of Elliot, Lyle, Nikander, and Heer fails to disclose or suggest all of the features of independent claims 1, 15, and 20. In addition, Woundy does not cure the deficiencies of the combination of Elliot, Lyle, Nikander, and Heer, as Woundy fails to disclose or suggest, at least, "wherein the communication controller is further configured to change from time to time the link-level addresses allocated to all of the plurality of communication nodes connected to the common bus or wireless broadcast channel," as recited in independent claim 1 and similarly recited in the other independent claims. Accordingly, Applicants respectfully submit that the combination of Elliot, Lyle, Nikander, Heer, and Woundy does not disclose or suggest all of the features of claims 10-11, 16, 19, 21, and 24.

In addition, Applicants again note that this rejection is based upon an improper combination of references. As described above, a mosaic of numerous references, such the present combination of Elliot, Lyle, Nikander, Heer, and Woundy, strongly suggest that the claim is not obvious, particularly in the present rejection where the limitations of claims 10-11, 16, 19, 21, and 24 are rejected in a piecemeal fashion in which each of the recited limitations is rejected in view of a different reference. This type of rejection strongly suggests the improper use of the pending claims and the present application as a

template for forming the alleged combination. It is thus respectfully submitted that this rejection is improper, and requested that this rejection be withdrawn.

Claims 17-18 and 22-23 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Elliott in view of Lyle, Nikander, and Heer, and further in view of Marino (U.S. Patent No. 6,026,165). The Office Action took the position that the combination of Elliot, Lyle, Nikander, and Heer discloses or suggests all of the features of the pending claims, with the exception of the features in claims 17-18 and 22-23. The Office Action then cited Marino as curing the deficiencies the combination of Elliot, Lyle, Nikander, and Heer. Applicants respectfully submit that claims 17-18 and 22-23 recites subject matter that is neither disclose nor suggested in the combination of Elliot, Lyle, Nikander, Heer, and Marino.

Marino describes wireless transmission of encrypted data messages in a security system. The receiver stores locally an encryption key utilized by the transmitting device to encrypt the data message, and the receiver uses the encryption key to decrypt an encrypted data message. A sequence number generator is used to synchronously track the message sequence at both the transmitter and receiver (see Marino at Abstract).

Applicants respectfully submit that each of claims 17-18 and 22-23 recites subject matter that is neither disclosed nor suggested in the combination of Elliot, Lyle, Nikander, Heer, and Marino. Claims 17-18 and 22-23 depend from, and further limit, independent claims 15 and 20. As discussed above, the combination of Elliot, Lyle, Nikander, and Heer fails to disclose or suggest all of the features of independent claims

15 and 20. In addition, Marino does not cure the deficiencies of the combination of Elliot, Lyle, Nikander, and Heer, as Marino fails to disclose or suggest, at least, "wherein the communication controller is further configured to change from time to time the link-level addresses allocated to all of the plurality of communication nodes connected to the common bus or wireless broadcast channel," as recited in independent claim 1 and similarly recited in the other independent claims. Accordingly, Applicants respectfully submit that the combination of Elliot, Lyle, Nikander, Heer, and Marino does not disclose or suggest all of the features of claims 17-18 and 22-23.

In addition, Applicants again note that this rejection is based upon an improper combination of references. As described above, a mosaic of numerous references, such the present combination of Elliot, Lyle, Nikander, Heer, and Marino, strongly suggest that the claim is not obvious, particularly in the present rejection where the limitations of claims 17-18 and 22-23 are rejected in a piecemeal fashion in which each of the recited limitations is rejected in view of a different reference. This type of rejection strongly suggests the improper use of the pending claims and the present application as a template for forming the alleged combination. It is thus respectfully submitted that this rejection is improper, and requested that this rejection be withdrawn.

Reconsideration and allowance of claims 1-5, 8-11, and 15-24 are, thus, respectfully requested.

Conclusion

For the reasons set forth above, it is respectfully submitted that each of claims 1-5,

8-11, and 15-24 recites subject matter that is neither disclosed nor suggested in the cited

references. It is, thus, respectfully requested that all of claims 1-5, 8-11, and 15-24 be

allowed, and that this application be passed to issuance.

If for any reason the Examiner determines that the application is not now in

condition for allowance, it is respectfully requested that the Examiner contact, by

telephone, Applicants' undersigned representative at the indicated telephone number to

arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicants respectfully petition for

an appropriate extension of time. Any fees for such an extension together with any

additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

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